

1                                   **MINUTES OF THE COTTONWOOD HEIGHTS CITY**  
2                                   **PLANNING COMMISSION MEETING**

3  
4                                   **Wednesday, August 6, 2008**  
5                                   **7:00 p.m.**  
6                                   **Cottonwood Heights City Council Room**  
7                                   **1265 East Fort Union Boulevard, Suite 300**  
8                                   **Cottonwood Heights, Utah**  
9

10 ***ATTENDANCE***

11  
12 **Planning Commission Members:**

13  
14 Gordon Nicholl, Chairman  
15 Geoff Armstrong  
16 Perry Bolyard, Alternate  
17 JoAnn Frost  
18 Doug Haymore  
19 Brad Jorgenson, Alternate  
20 Jim Keane  
21 Amy Rosevear  
22

**City Staff:**

Michael Black, Planning Director  
Greg Platt, City Planner  
Jordan Backman, Planning Department Intern

23 **BUSINESS MEETING**

24  
25 **1.     WELCOME/ACKNOWLEDGEMENTS.**

26  
27 Chairman Gordon Nicholl called the meeting to order at 7:00 p.m. Procedural issues were  
28 reviewed.  
29

30 **2.     CITIZEN COMMENTS.**

31  
32 Chair Nicholl stated that the citizens' comments should consist of comments from citizens on  
33 items that are not on the agenda.  
34

35 (19:04:55) Danette Kennelly reported that she had lived in the area for 26 years. She had a  
36 major problem with the new police department and was unsatisfied with their performance. She  
37 stated that on one occasion she was in her backyard and had someone break in her back door and  
38 go into her house. She chased him out of her yard and called the police. The officers showed up  
39 and their main concerns did not seem to be with her two children who were in the house with a  
40 strange man. The officers did not take an accurate report, ask for a description, or look for the  
41 man. She stated that she owns a gun and will use it next time. When she called the police  
42 department the next day to inquire as to the type of report they made, she was transferred  
43 numerous times. When she finally got an answer she discovered that it was reported as  
44 suspicious activity. She expected a better response than that. Mrs. Kennelly had also reported  
45 incidences of vandalism without a response. She expected better service than she was presently  
46 receiving.

1  
2 (19:07:37) Chair Nicholl explained that the City does not have its own police department yet.  
3 The police department will begin service on September 1, 2008 at which time officers will begin  
4 patrolling. Until that time, the Salt Lake County Sheriff's Office is responding to all  
5 emergencies and calls for help within the City of Cottonwood Heights. Mrs. Kennelly stated that  
6 that sounded good but she had a real life experience where officers showed up at her house  
7 representing Cottonwood Heights. She remarked that she had had excellent service from the  
8 County.

9  
10 (19:08:49) Planning Director, Michael Black, explained that the City's Police Department  
11 consists of seven police officers including five sergeants, a chief of police, and an assistant chief.  
12 None were patrolling the streets because the City is still under contract with the County.  
13 Officers arriving at her residence would have been Salt Lake County officers representing the  
14 City of Cottonwood Heights. The patrol cars had the City's name on them. The officers  
15 currently patrolling would be identified with the City's name on both their cars and uniforms.  
16 Mrs. Kennelly reiterated that their service needs to improve.

17  
18 (19:09:30) Mr. Black suggested that Mrs. Kennelly contact the Mayor and report her experience  
19 to him. Mrs. Kennelly suggested that the officers involved were inexperienced and need to be  
20 replaced with experienced officers. Mr. Black explained that the comments made by Mrs.  
21 Kennelly are representative of the reason Cottonwood Heights will be starting its own police  
22 force. Beginning August 11, there will be over 30 officers in the City; however, they will not be  
23 practicing law enforcement until September 1. The chief of police was available to speak with  
24 citizens in the interim. However, until that time the Salt Lake County Sheriff's Department in  
25 the name of Cottonwood Heights will fulfill police services.

26  
27 There were no further citizen's comments.

### 28 29 **3. PUBLIC HEARINGS:**

#### 30 **3.1 The Planning Commission will receive public comment on a conditional use permit** 31 **for a day care/preschool requested by Pearl and George Garff located at 7304** 32 **Jonathan Drive. This is a request for a home-based day care/preschool to be located** 33 **in the home of the applicants with no more than 12 students.** 34

35 (19:11:04) Planning Department Intern, Jordan Backman, presented the staff report and stated  
36 that the request is for a conditional use for a home day care and preschool. The applicant  
37 requested a home daycare with a maximum of 12 children being enrolled at one time. The  
38 operating hours will be between 7:00 a.m. and 6:00 p.m. The children will be instructed within  
39 the home and the play area will be to the north of the property. The residents within 300 feet of  
40 the property were noticed at least eight days prior to the hearing. No residents voiced opposition  
41 to the request. The applicant spoke with the surrounding residents and received positive  
42 feedback. The site layout was described. It was reported that the home is located on just over .2  
43 acres.

44  
45 It was expected that parents will drop off children between 7:00 a.m. and 9:00 a.m. and pick  
46 them up between 4:00 p.m. and 6:00 p.m. There will be no more than 12 children at a time on

1 the premises. With regard to noise, the play area will be on the north side of the property and  
2 will only be used between 8:00 a.m. and 7:00 p.m. as set forth in City Code. With regard to  
3 signage, no signs are allowed in the R-1-8 Zone, however, the applicant will be allowed a  
4 nameplate on the door. Mr. Backman explained that daycares and preschools are allowed as  
5 conditional uses in the R-1-8 zone. Staff recommended approval of the conditional use request  
6 subject to the conditions contained in the staff report.

7  
8 The applicant George Garff gave his address as 7304 Jonathan Drive and reported that he has  
9 been in the daycare business for 22 years, and his wife, Pearl Garff, for 45 years. He reported  
10 that this is their livelihood. They were in complete agreement with the conditions and  
11 requirements. He added that the driveway is a three-car driveway, which adds an additional  
12 parking space beyond the two that are required. He had spoken with the fire department and  
13 reported that they are in compliance with the staff conditions. He sits on the Child Care  
14 Advisory Committee for the State of Utah and the care that will be offered in his home facility  
15 will far exceed the requirements. He is also President of the Utah Association for the Education  
16 of Young Children, which is the Utah affiliate of the National Association, the largest  
17 organization of its kind. He further explained that the hours will not extend to 7:00 p.m. and all  
18 children will leave the premises by 6:00 p.m. Mr. Garff reported that the facility currently opens  
19 at 7:00 a.m. and during the school year, the earliest child arrives at 8:00 a.m. Mr. Garff  
20 presented the Commission with the proposed hours for the children who will attend the facility,  
21 and noted that the hours are staggered and will not affect traffic. He reiterated that they will  
22 comply with Cottonwood Heights City requirements and a greater standard than required by the  
23 State of Utah's childcare licensing requirements.

24  
25 (19:21:31) Jan Nielsen gave her address as 3613 Winesap Road and reported that she has lived  
26 next door to the Garffs for nearly 36 years. Both her children and grandchildren have been  
27 involved in daycare programs with the Garffs. She reported that the Garffs are incredibly  
28 qualified and capable and she welcomed the proposed daycare facility.

29  
30 (19:22:12) Shirley George gave her address as 3580 Winesap Road and reported that she has  
31 lived in her residence for 48 years. Her children attended Mrs. Garff's classes, as she was the  
32 foremost children's dance teacher. There were many students at that time and they did not  
33 present a problem. She had no concerns with the proposed facility.

34  
35 (19:22:54) Alona Holm gave her address as 7297 Jonathan Drive. She reported that her home  
36 faces the Garffs and she expressed support for the proposed facility.

37  
38 (19:23:14) JoAnn Merrill, a Jonathan Drive resident, reported that she is in favor of the  
39 preschool daycare facility. Her grandson attends Mrs. Garff's classes, and she thought it would  
40 be nice to have children in the neighborhood.

41  
42 (19:23:44) *Commissioner Rosevear moved that the Commission approve the preschool/daycare*  
43 *facility at 7304 Jonathan Drive with the following conditions:*

- 44  
45 ***1. That there shall be no more than 12 children, including the caregiver's own children***  
46 ***that are under age 6 and not yet in full day school.***

2. *There shall be no more than one employee that does not reside in the home.*
3. *The caregiver shall comply with all applicable licensing requirements under Title V of the Cottonwood Heights Code of Ordinances.*
4. *There shall be no signs on the dwelling.*
5. *The play yard shall not be located in the front yard and shall only be used between 8:00 a.m. and 6:00 p.m.*
6. *That the applicant constructs a fence separating the front yard and the play area in the side yard to provide a safety buffer for the street.*
7. *Operational hours shall be between 7:00 a.m. and 6:00 p.m.*

*Commissioner Armstrong seconded the motion.*

Mr. Black explained that this item was scheduled for a public hearing only and action would be scheduled two weeks from tonight.

*The motion was withdrawn.*

(19:25:16) A Commission Member inquired as to whether there are any SAT requirements on a daycare. Mr. Black responded that to his knowledge, the Fire Department inspection has already taken place. If it has not, it will take place very soon and before the business license is issued. He added that the State of Utah will perform an inspection as well.

Fencing issues were discussed. Mr. Black stated that it would be between the side yard and the front yard and be a maximum of six feet tall.

**3.2 The Planning Commission will receive public comment on a request by McCown E. Hunt for a general plan amendment at 6800 and 6814 South Highland Drive. The applicant proposes to change the general plan designation from low-density residential to residential office.**

(19:26:33) City Planner, Greg Platt, presented the staff report and stated that the applicant was requesting an amendment to the general plan for two properties located at 6800 and 6814 South Highland Drive from low-density residential to residential office. No comments were received from the public on the request other than during the Blackstone Crossing public hearing. At that time there were comments about the general neighborhood. Notice was mailed to all properties within 1,000 feet at least 10 days prior to tonight's meeting.

Mr. Platt reported that the two properties together constitute .66 acres and are located within a residential neighborhood. The proximity of the properties to Highland Drive makes it less desirable for residential homes and more desirable for commercial uses. The lot to the north is

1 zoned regional commercial and currently houses a dental office. The current general plan  
2 designation for the property is low-density residential R-1-8. The applicant requested a change  
3 of designation to residential office (RO), which is designed for small offices that allow for  
4 commercial uses without disrupting the character of the neighborhood. Staff recommended  
5 approval of the designation change.

6  
7 Mr. Platt reported that the subject properties are both adjacent to residential areas. Staff felt the  
8 location of the subject properties in relation to the residential properties creates a situation in  
9 which a land use transition is necessary. Both the conditional use process and the ARC provide  
10 the City with the opportunity to master plan the properties to ensure more appropriate land use  
11 transition with any change in use if the general plan and subsequent zone changes are approved.  
12 The protection of residential areas located directly behind any current and future commercial  
13 properties is of great importance. Since the subject properties are located along Highland Drive,  
14 a request for a change to a commercial designation could be anticipated. However, since the  
15 subject properties are not located at one of the major intersections along Highland Drive, a less  
16 intense commercial use such as residential office may be more appropriate to address the impact  
17 of Highland Drive while minimizing impacts on the residents. Mr. Platt reported that the only  
18 permitted use in the RO zone is a single-family dwelling. The conditional uses were listed.

19  
20 (19:33:14) Chair Nicholl explained to the public that no decision will be made on the item  
21 tonight. Once a time and date is set for that decision, the Commission will be a recommending  
22 body to the City Council, who makes the final decision.

23  
24 The applicant McCown E. Hunt explained that his involvement in the property is through his  
25 wife's aunt, Mrs. Adeline Peay, who was a former resident of the property. He moved to  
26 Cottonwood Heights in 1969 and was made executor of Mrs. Peay's will and trust for her  
27 children, one of whom was deceased. The other is disabled. He noticed that the freeway noise  
28 and highway dust is excessive in the front yard of the property and he decided to sell the property  
29 to fund the care of Mrs. Peay's living son. Mr. Hunt felt that the house was inappropriate to sell  
30 as a residence because of the age and location of the property. He spoke with Mr. Black, who  
31 recommended the RO designation for the site. Mr. Hunt noted that a dental office would be an  
32 improvement and add value without traffic impact. He believed that a better use of the land  
33 would be the RO designation, which he considered an upgrade to the property.

34  
35 (19:38:02) Joyce Felt gave her address as 7956 South Willow Circle and stated that she and her  
36 husband recently purchased the property to the north. Her husband had been a dentist in Salt  
37 Lake City for 19 years and they hoped to establish a dental office in the proposed location.  
38 Mrs. Felt's husband is a community-oriented dentist and her children have attended the nearby  
39 preschool. They believe a dental office would be a good use of the property. She and her  
40 husband support the RO zone, recognizing the conditions that would apply to a special use  
41 permit. They plan to create an aesthetically pleasing building with minimal traffic impact to  
42 nearby residents.

43  
44 (19:40:13) Jack Sirstius gave his address as 6814 South Highland Drive and voiced his support  
45 for the proposed zone change. Mr. Sirstius reported that he and his parents have lived in the area  
46 for 53 years and the traffic and dust has worsened considerably over the years. At this point,

1 structural damage is occurring to the houses in the area because of the vibration. He received a  
2 repair bid near \$100,000 for his home.

3  
4 (19:41:41) Dan Kennelly identified himself as the owner of the property immediately behind the  
5 corner property. He stated that the corner property is in violation of setback laws and the  
6 restrictive covenants of the subdivision. There were three offices on the property, although it  
7 had never been zoned for commercial use. When Highland Drive came through, he was assured  
8 by the Salt Lake County Commission, the City Mayor, and others that the area would remain  
9 residential permanently. Mr. Kennelly identified homes that were built more recently that are  
10 also in violation. He thought that changing the zoning would be a fiasco. He stated that there is  
11 something wrong if the violations are allowed to be in the area. Mr. Kennelly then presented  
12 photographs of the homes for which the zoning change has been proposed. They were all built at  
13 the same time by the same builder. He reported that there is nothing wrong with the houses, so  
14 long as they are maintained. He stated that he owns three of them. He was opposed to the  
15 proposed rezone.

16  
17 (19:45:17) Liz Nelson gave her address as 1969 Meadow Drive was opposed to the zone change  
18 and concerned about the traffic. Although it is a low traffic impact, the intersection is dangerous,  
19 with three streets intersecting. She was concerned that anything other than residential traffic will  
20 negatively impact the intersection. She reported that traffic from the whole foods market as well  
21 as from 7000 South already presents a huge safety concern for the neighborhood. She added that  
22 she has lived in the neighborhood her entire life and intends to continue living there. She was  
23 concerned about the type of businesses that will come into the area if the zoning is changed. She  
24 did not want to see the neighborhood become a commercial gateway.

25  
26 (19:47:03) Danette Kennelly expressed opposition to the zone change. She reported that when  
27 exiting Highland Drive onto the old Highland Drive to reach the subject properties, the road  
28 continues to circle around through a residential neighborhood. There is already some problem  
29 with additional traffic in the area, presenting a danger to the children in residence. Some  
30 motorists go through this street, believing it will lead to the back of the present commercial area.  
31 She was concerned about more traffic through the residential neighborhood. In addition, she was  
32 troubled by the rezoning of the property adjoining the subject property, which was originally to  
33 be a senior care center. It is now in a state of disrepair and has excessive traffic. Ownership had  
34 changed hands many times, and the promises made regarding the property have not been kept.  
35 There was supposed to have been a cinderblock wall built, but instead a vinyl chain link fence  
36 was installed. She had experienced an increase in crime and vandalism. She did not have these  
37 problems previously during the 26 years she has lived in her home. She attempted to speak  
38 directly to the owners, but they were vague and mysterious about who they are and what they do  
39 on the property. She believed that once a small change is made, it will lead to more intense  
40 commercial uses than intended.

41  
42 (19:49:56) Judd Kennelly, gave his address as 1982 East La Cresta Drive, next to the current  
43 dentist office. He stated that he is against the zoning change. He is concerned about the  
44 “domino effect” and the effect commercial will have on the residential neighborhood. He was  
45 also concerned about the fact that two properties are requesting the zoning change. He wondered  
46 if the square footage requirements would be increased if the properties are together. Mr. Black

1 reported that this would not change the maximum allowed square footage per lot and they would  
2 not be allowed to be connected. Chair Nicholl added that there were other conditions such as  
3 parking that would essentially prohibit a building of this size. Mr. Kennelly added that traffic on  
4 the weekends would be increased. There are already cars racing through the area at this time.  
5 He reiterated that he is against the proposed rezone.

6  
7 (19:51:00) There were no further public comments. The public hearing was closed.  
8

9 Mr. Black noted that the proposal is not a zone change request and is actually a request for a land  
10 use designation change on the general plan, which is a master plan for future uses. When  
11 considering changes, appropriate future uses should be considered.  
12

13 Commissioner Rosevear agreed that the Commission does not want the “domino effect” and  
14 suggested they analyze what will be best for the community. She addressed the property upkeep  
15 concerns by noting that when there is an opportunity for new buildings, the Commission is given  
16 more control over how the property is maintained. She felt a traffic study would be appropriate  
17 to determine the possible impacts.  
18

19 Mr. Black suggested the item be tabled for one month since staff would need time to explore  
20 traffic impacts and look at other parcels in the area. He clarified that Mr. Platt was not  
21 advocating the change. His statement was that a request like this one could be anticipated.  
22

23 Chair Nicholl stated that the entire community recognizes the problems in the area and the  
24 Commission is concerned about it. He thought it would be advisable for the City to look at the  
25 entire area so that a more informed decision could be made. He thanked the citizens for their  
26 presence and comments.  
27

28 The Commission took a short break.  
29

#### 30 **4. ACTION ITEMS.**

##### 31 **4.1 The Planning Commission will take action on a request by Gary Harrison for the** 32 **Canyon Racquet Club at 7350 South Wasatch Blvd. Mr. Harrison has requested a** 33 **change of zoning at the Canyon Racquet Club from Regional Commercial to Mixed-** 34 **Use. This item was continued from the July 12, 2008 Planning Commission** 35 **Meeting.** 36

37 (20:00:45) Mr. Platt presented the staff report and stated that the request was for a change to the  
38 zoning from the current regional commercial zoning to mixed use. Staff received several  
39 comments on the matter. The staff report included a compilation of the written communications  
40 received. Mr. Platt reported that the property is located between Wasatch Boulevard and  
41 Racquet Club Drive just south of Fort Union and consists of 10.89 acres. The CR zone is  
42 designed for retail and other commercial uses. The multi-use zone is considered a zoning of  
43 lesser intensity. A switch from regional commercial to mixed use would be considered down  
44 zoning. Regional commercial allows for commercial uses while the mixed-use zone allows for  
45 both commercial and residential uses. The lot falls under the restrictions of the gateway and  
46 sensitive land zones and any future use would be subject to those regulations. The general plan

1 designation for the subject property is mixed use. Under the land use designation the applicant  
2 would be able to apply for mixed use, neighborhood commercial, or residential office zones.  
3 Currently, the zoning of the property does not coincide with the general plan designation of  
4 mixed use. The current zoning of the property predates the creation of the City's general plan.  
5 The rezoning of the property would bring the zoning in line with the general plan designation.

6  
7 Mr. Platt explained that the property is directly adjacent to residential areas. Staff felt that the  
8 location of the subject property in relation to residential properties creates a situation in which a  
9 land use transition is highly desirable. While rezoning the property does not create a buffer  
10 between uses automatically, it allows the possibility of putting in low-density residential and  
11 higher-density residential to use as a buffer between commercial uses and residential uses.  
12 Currently, there was no opportunity to create that buffer. The differences between the two zones  
13 were described. Mr. Platt explained that the regional commercial is designed to allow for big  
14 box and high intensity land uses.

15  
16 Mr. Platt explained that any conceptual plan that can be presented is not necessarily what could  
17 or would happen on the property. It was important to consider all of the applicable and relevant  
18 land uses from both zones to determine which is most appropriate. Mr. Black reiterated the  
19 general plan designation and the idea that the property would be redeveloped at some point in  
20 time. With the regional commercial designation, the City would have a harder time mitigating  
21 detrimental effects that could be imposed on the neighborhood with the regional commercial  
22 uses. With the mixed use, they have the ability to mitigate the detrimental effects as they go  
23 from east to west. It was his opinion that with the mixed-use zone, they will be able to better  
24 regulate the detrimental effects regardless of the use that is requested under the zone than they  
25 were with the regional commercial zone.

26  
27 (20:07:42) Chair Nicholl reiterated that the Commission is concerned about the citizen comments  
28 and want to make the decision that is right for all of the citizens of Cottonwood Heights.

29  
30 The applicant Gary Harrison gave his address as 2327 East Country Club Drive in Salt Lake  
31 City. He explained that since the request is in keeping with the general plan and constitutes a  
32 down zoning, the information provided to the Commission should be sufficient.

33  
34 There were no public comments in favor of the request.

35  
36 (20:10:32) Bob Good, a Quicksilver Drive resident, called the Commission's attention to the  
37 opposition papers filed in response to the zone change. He noted the maximum height  
38 requirements and traffic issues associated with a hotel. He remarked that citizens who are  
39 against the change are opposed to hotels. He suggested that the property owner rezone the area  
40 as R-1-8 and develop residential homes to match the rest of the neighborhood.

41  
42 (20:12:01) Nathan Brown gave his address as 3733 Brighton Point Drive, just above the subject  
43 property. He stated that the proposed change will allow someone to spend 24 hours a day on the  
44 property. He stated that if a use is allowed that has already been grandfathered, the City has the  
45 liability. He noted that some houses on Timberline are slipping. If the zone change is allowed  
46 and the fault slips, tax dollars will be used to pay for it.



1  
2 (20:14:39) Jan Nielsen gave her address as 3613 Winesap Road. She was confused that the  
3 corner of Wasatch Boulevard and Fort Union Boulevard in the master plan is considered the  
4 gateway to Cottonwood Heights. She believed the first impression of the City is at the exit of I-  
5 215 at 6200 South. This impression to her was one of corporate and commercial glut with for  
6 lease signs and hotel vacancy signs where vacant properties are prevalent. The preferred  
7 impression for her would be one that expresses the City's unique surroundings. She believed  
8 that with the current proposal, there will be an inundation of traffic, pollution, and water use.  
9 While the MU zoning will allow residential possibilities, she questioned whether it will ever  
10 come to fruition. She noted that it was possible for the subject property to be divided into small  
11 parcels and sold without development control. Ms. Nielsen was opposed to the proposed change.  
12

13 (20:16:51) Alona Holm gave her address as 7297 Jonathan Drive and read a prepared statement.  
14 She noted that the racquet club developers promised a park in the area as well as an uncovered  
15 stream. This did not occur. Because of that, she did not believe the developers' promises in this  
16 instance. She recognized the Commission's intent to maintain the same designations as had been  
17 in the county at the inception of Cottonwood Heights in order to preserve existing property  
18 rights. She noted that the County had already voted against the hotel proposed by the racquet  
19 club. She was present at the meeting where the County Commission stated that a hotel would  
20 not be in keeping with the atmosphere and quality of the neighborhood.  
21

22 (20:18:30) Garry Whitaker gave his address as 7264 South Winesap Court. He asked who would  
23 be responsible for infrastructure development in the area. Staff responded that the infrastructure  
24 would be the sole responsibility of the developer. Mr. Whitaker stated that some height  
25 restrictions were ambiguous such as the 35-foot two-story requirement. The proposal states that  
26 the owners can request an increase to three stories. He asked for clarification as to how many  
27 stories would be allowed in total. It was clarified that a maximum of three stories would be  
28 allowed. Mr. Whitaker was concerned that this had not been defined. In addition, he noted that  
29 there are traffic and parking problems that already exist from skiers that need to be addressed.  
30 He agreed with the other comments made in opposition to the request.  
31

32 (20:20:16) Bard Davies, a MacIntosh Lane resident, stated that he lives very near the parking lot  
33 at the Canyon Racquet Club. He was a 20-year resident and over time had noticed the negative  
34 impact of the commercialization in the area. On one occasion he noticed that lights had been  
35 installed at the 7-Eleven gas station without warning. He also noticed that a billboard was  
36 installed right next to it. He reported that it is a beautiful area and he has not seen any positive  
37 impact from the commercial development. In fact, he was concerned that the commercial  
38 development was not being done well. Mr. Davies remarked that there have been serious  
39 problems in the wintertime with skiers parking on the streets rather than in county-provided  
40 areas. He thought the residents were hesitant to allow more commercial based on past problems.  
41 Government intervention had not helped. For example, the new UTA bus stop has encouraged  
42 more skiers to park in the neighborhood and the new recreation center put the racquet club out of  
43 business. He wanted to see the positive steps taken for the good of the neighborhood. While the  
44 request seemed like a great revenue source for the City, he did not want the proposal to change  
45 the neighborhood.  
46

1 (20:24:21) Pearl Garff gave her address as 7304 Jonathan Drive and stated that she is concerned  
2 about the water situation in the City. She was also concerned about the traffic on Wasatch  
3 Boulevard and Fort Union Boulevard leading into the canyon, as it is a dangerous intersection.  
4 The light creates an optical illusion and speeds are high there. A larger influx of traffic, water,  
5 and sewage was of serious concern to her.

6  
7 (20:26:03) James R. Brown gave his address as 4076 Prospector Drive. He stated that there is a  
8 distinction relative to allowing 24-hour use of the ground. Under the mixed-use designation,  
9 there are only permitted uses allowing an overnight stay. One was the use of residential property  
10 and the other is bed and breakfast. He explained that the hotel is a conditional use for which  
11 conditions could be applied to. He referred to the Cedar Hills issue and the State of Utah's study  
12 regarding land slippage, in which the subject property was determined to be within the Sensitive  
13 Lands Act. Sensitive lands issues were discussed.

14  
15 (20:29:25) There were no further public comments. The public hearing was closed. In response  
16 to a question raised, Mr. Platt differentiated between the permitted uses and conditional uses. He  
17 explained that in order to get a conditional use permit, an applicant would have to identify  
18 negative impacts and mitigate them. The effect is that the conditional uses are likely in the event  
19 that impacts can be mitigated. A question was raised with regard to the restaurant use and the  
20 maximum size allowed. Mr. Platt responded that it could be anything up to 10,000 feet or more  
21 with a conditional use permit. He then listed the current conditional uses and noted that some are  
22 also allowed under the MU designation. The permitted uses were identified as well. He clarified  
23 that the permitted uses can be developed without Commission approval.

24  
25 A Commission Member asked why it would give the Commission more control over the property  
26 use. Mr. Platt responded that there would be a different set of allowed uses that are considered  
27 generally less intensive. It also adds more of the allowed uses into the conditional category,  
28 which also adds Commission control. He believed it also gives the City more control over  
29 mitigating possible impacts. Mr. Black stated that in looking at the layout of the property, there  
30 is a desire to buffer certain land uses from others. The uses on all sides of the subject property  
31 were identified. His opinion was that in order to achieve a correct buffering there should be a  
32 use closer to Racquet Club Drive that is somewhat consistent with the use that is now on the  
33 other side of Racquet Club Drive. A potential problem with the CR zone is that it does not  
34 provide the tools necessary to sufficiently mitigate the impact that the project could have on the  
35 neighborhood. He explained that there is no residential designation in the CR zone. He believed  
36 that was the designation needed to provide the correct buffer between Racquet Club Drive and  
37 Wasatch Boulevard.

38  
39 It was noted that the subject property could be commercial if the CR zoning remains. Mr. Black  
40 responded that potential detrimental effects cannot be mitigated with the MU zone since single-  
41 family residential cannot be built between the existing commercial and residential uses.  
42 Landscaping could be required; however, the back of a commercial building could potentially be  
43 50 feet from the curb. He reiterated that the MU zone would be better to address detrimental  
44 effects in the area.

1 (20:38:40) Chair Nicholl asked what type of control there would be over residential properties  
2 under the residential zoning versus the MU zoning. Mr. Black stated if the property were split in  
3 half into two zones, the gateway zone would not apply on the Racquet Club Drive side because  
4 the gateway zone only comes in 100 feet. If any portion of the property touches the gateway  
5 zone, then the entire property is considered to be in that zone. The Commission would lose even  
6 more regulation over the area in that case.

7  
8 Commissioner Haymore reiterated the concerns expressed by the public. He stated that the  
9 residential issue outside of mixed use is not relevant to the discussion, as only regional  
10 commercial and mixed use are being considered. He asked if there is more ability to control  
11 height in the current designation than in MU. Mr. Black stated that the height could be limited to  
12 35 feet in either zone. Commissioner Haymore added that because the MU zone allows for the  
13 possibility of three floors, it is more difficult to prohibit a third floor under that circumstance  
14 than if the zoning remains CR. Mr. Black responded that the third floor is not necessarily  
15 identified as a conditional use, but if the Development Review Committee can make a positive  
16 recommendation it can be approved by the Commission. If there are too many detrimental  
17 effects, the Committee will recommend denial. It was clarified that the third floor is not a  
18 conditional use.

19  
20 (20:43:50) Commissioner Frost commented about the citizens' concerns about change and the  
21 lack of faith in government. She noted that change will occur and you can only try to plan and  
22 anticipate. This property was considered three years ago with public input to obtain the  
23 transitional zone and regain control of certain parcels. At that time there was an MU  
24 recommendation. Since the current proposal is for an MU designation, she believed it was the  
25 direction previously voted on by the community when the City was incorporated. The proposed  
26 direction had been thoroughly investigated. She remarked that public input changes at every  
27 level of the system. The decision being considered by the Commission was one that must be  
28 considered using three years of public opinion. The issues have not changed.

29  
30 (20:46:21) Commissioner Rosevear commented that no one had discussed the worst-case  
31 scenario if the CR was maintained. She noted that the applicant would maintain their grand  
32 fathered rights to the CR designation even if it was changed to MU. Chair Nicholl clarified that  
33 the Commission will not make the change, but provide a recommendation only. Commissioner  
34 Rosevear stated that a worst-case scenario if the CR designation remains would be a car sales  
35 facility as a permitted use in the area. There would be the potential for a two-story building with  
36 glass and lights. She did not think that would be conducive to the neighborhood. A possible  
37 worst-case scenario with an MU designation would be a hotel. Her opinion was that the hotel  
38 transition would be most conducive to the City's goals for the gateway and would be the most  
39 positive of the two scenarios. She was concerned about the revenue scenario. A car sales lot is  
40 more of a revenue generator for the City than a hotel. The Commission's goal was to make the  
41 best decision possible for the benefit of the community.

42  
43 (20:49:23) *Commissioner Rosevear moved to make a recommendation to the City Council to*  
44 *change the zone from CR to MU to allow for the buffer. Commissioner Armstrong seconded*  
45 *the motion.*  
46

1 (20:50:03) Commissioner Armstrong commented that the major difference between the two  
2 proposed zones is that the CR zone would facilitate a big box store, whereas the MU zone limits  
3 the size of stores. The MU zone also allows for planned unit development. He inquired as to  
4 whether condominiums could be built within the MU zone. Mr. Black stated that they can and  
5 are not available in the CR zone. Commissioner Armstrong added that as to the buffer currently  
6 on the east side, he believed residential development between the commercial development and  
7 current housing would be the preferred buffer for this area. He was be in favor of the zone  
8 change as requested.

9  
10 (20:51:57) Commissioner Haymore clarified that any recommendation to change the zoning  
11 from CR to MU does not guarantee residential development. He agreed with Commissioner  
12 Rosevear's analogy of the car lot versus the hotel, with the hotel being the preferred  
13 development. He added that City Planners might have additional tools in working with  
14 developers when dealing with various applications. He was very concerned about the height  
15 issue.

16  
17 It was noted that the neighbors in closest proximity to the property do not support the  
18 commercial zone; however, there are some uses within the MU zone that they are concerned  
19 about. He believed that considering the overall picture, the MU zone will have less negative  
20 impact overall than the CR zone.

21  
22 ***Vote on motion: Amy Rosevear-Aye; Bradley Jorgensen-Aye; Doug Haymore- ye; Geoff***  
23 ***Armstrong-Aye; JoAnn Frost-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The motion passed***  
24 ***unanimously.***

25  
26 (20:54:37) Chair Nicholl clarified that his efforts to make Cottonwood Heights what it is today  
27 was due to many of the reasons discussed by the citizens such as control over billboards,  
28 annexation proposals, and zoning issues. He explained that that the MU zone gives the  
29 Commission more control over the property. It will be developed regardless, so it should be  
30 done right. He stated that the Planning Commission's decision will be forwarded to the City  
31 Council.

## 32 33 **5. DISCUSSION ITEMS –**

### 34 **5.1 The Planning Commission will review and discuss the draft document *Making*** 35 ***Effective Public Comments: A Citizen's Guide to the Public Process Regarding*** 36 ***Planning Applications.***

37  
38 (20:57:12) Chair Nicholl requested the above item be moved to the next meeting. A request was  
39 made to make the document more user-friendly and that pictures be added.

## 40 41 **6. PLANNING DIRECTOR'S REPORT.**

### 42 **- Report on Upcoming Public Hearings.**

43  
44 (20:58:19) Mr. Black reported on upcoming public hearings. He stated that *The Valley Journal*  
45 came out today with an article about Chapter 19.76, regarding supplementary qualifying

1 regulations and conditional uses in the residential zones. The public hearing was advertised as  
2 September 3.

3  
4 Mr. Black reported that the City Center Master Plan is nearing a draft. An open house on the  
5 draft was scheduled for September 23. Prior to that it will be presented to the Commission for  
6 review. The schedule for adoption as a document was unknown.

7  
8 Mr. Black reported that the following month a community newspaper will be put in *The Valley*  
9 *Journal*, with the police being featured in the centerfold with a picture of every officer. The  
10 Planning Department will also contribute articles. Mr. Black requested one of the articles come  
11 from the Planning Commission. He inquired as to the topic and the Commission Member who  
12 would like to write the article. Commissioner Bowen was suggested to author the draft. Mr.  
13 Black suggested topics cover how to make public comments and the Planning Commission in  
14 general.

15  
16 (21:01:58) Commissioner Frost discussed the national meeting to be held in Minneapolis,  
17 Minnesota. Mr. Black reported that he planned to attend and would try to budget to send one  
18 Planning Commission Member. Commissioner Rosevear volunteered to attend and stated that  
19 she would have lodging in the area with family.

20  
21 Mr. Black announced that the Utah League of Cities and Towns conference is coming up in Salt  
22 Lake City at the Sheraton in September. He agreed to email information on it to the Commission  
23 Members.

24  
25 (21:04:20) Chair Nicholl reported that he will not be present at the next meeting. He asked  
26 Commissioner Haymore to Chair the meeting.

27  
28 **7. ADJOURNMENT.**

29  
30 (21:05:05) *Commissioner Jorgenson moved to adjourn. Commissioner Rosevear seconded the*  
31 *motion. Vote on motion: Vote: Amy Rosevear-Aye; Bradley Jorgensen-Aye; Doug Haymore-*  
32 *Aye; Geoff Armstrong-Aye; JoAnn Frost-Aye; Jim Keane-Aye; Gordon Nicholl-Aye. The*  
33 *motion passed unanimously.*

34  
35 The Planning Commission Meeting adjourned at 9:05 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*  
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, August 6, 2008.*

3  
4  
5  
6  
7  
8 

9 Teri Forbes  
10 T Forbes Group  
11 Minutes Secretary

12  
13  
14 Minutes approved: